



## AGENDA BILL APPROVAL FORM

<b>Agenda Subject:</b> Ordinance 6275		<b>Date:</b> April 28, 2010
<b>Department:</b> Public Works	<b>Attachments:</b> Ordinance No. 6275	<b>Budget Impact:</b> \$ 0
<b>Administrative Recommendation:</b> City Council introduce and adopt Ordinance No. 6275.		

### Background

Parking on landscape (parking) strips was initially brought to the City's attention by residents who requested the City evaluate the restriction of parking on landscape strips where there is insufficient on-street parking available due to the narrow width of the roadway. As a result, the City Council asked staff to look into this and see if the City's parking laws could potentially be amended to allow residents to park on landscape strips within the right-of-way without being cited for a parking violation.

In November of 2008 the City Council adopted Ordinance No. 6211 which temporarily allowed parking on landscape strips on an interim basis. This ordinance specified that during the interim period staff would evaluate the feasibility of parking on landscape strips, take any public comments, and return to the Public Works Committee with a recommendation.

### Staff Recommendation

Upon receipt of public input, discussions at several Public Works Committee meetings and analyzing both the positive and negative impacts of allowing parking on landscape strips Staff recommends that parking be allowed on landscape strips in the City where the landscape strip is 8 feet or greater in width between the edge of pavement and the sidewalk or the edge of right-of-way if there is no sidewalk, is adjacent to a mountable curb, and is subject to new maintenance requirements contained in Section 10.36.215 ACC.

In addition, to help address parking concerns in these types of neighborhoods where there are narrow roadways, on-street parking may be provided on one side of the street on a case-by-case basis where feasible. The feasibility of on-street parking will include consideration of traffic engineering and emergency access requirements.

W0503-5  
O1.2, O4.10

<b>Reviewed by Council &amp; Committees:</b> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm.  <b>COUNCIL COMMITTEES:</b> <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____	<b>Reviewed by Departments &amp; Divisions:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Building  <input type="checkbox"/> Cemetery  <input type="checkbox"/> Finance  <input type="checkbox"/> Fire  <input checked="" type="checkbox"/> Legal  <input checked="" type="checkbox"/> Public Works         </div> <div style="width: 48%;"> <input type="checkbox"/> M&amp;O  <input type="checkbox"/> Mayor  <input type="checkbox"/> Parks  <input type="checkbox"/> Planning  <input checked="" type="checkbox"/> Police  <input type="checkbox"/> Human Resources         </div> </div>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>Action:</b>	
Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No	Call for Public Hearing ____/____/____
Referred to _____	Until ____/____/____
Tabled _____	Until ____/____/____

<b>Councilmember:</b> Wagner	<b>Staff:</b> Dowdy
<b>Meeting Date:</b> : May 3, 2010	<b>Item Number:</b> VIII.A.1

**ORDINANCE NO. 6 2 7 5**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTER 10.36 OF THE AUBURN CITY CODE AND CREATING A NEW SECTION 10.36.215, RELATING TO STOPPING, STANDING, AND PARKING**

WHEREAS, the Auburn City Code includes public safety regulations which address traffic and parking regulations enforceable within the City; and

WHEREAS, the current provisions of the City Code define parking in terms of the types of streets to which regulations apply and enforcement alternatives; and

WHEREAS, it is the goal of the City of Auburn to ensure adequate off-street parking is available, mitigate stormwater run-off, provide safe pedestrian routes, ensure adequate emergency vehicle access and diminish sight distance limitations while taking into account the property's use and the visual/aesthetic characteristics of the affected street(s) and the community at large; and

WHEREAS, in November of 2008 the City Council Adopted Ordinance No. 6211 which temporarily allowed parking on landscape strips on an interim basis; and

WHEREAS, the intent of this interim measure was to determine if parking is feasible on landscape strips and if so are there specific requirements that shall be met to continue this practice; and

WHEREAS, upon analyzing both the positive and negative impacts of allowing parking on planter strips, the City Council has determined it is not supportable to allow parking on landscape strips in most cases, unless the landscape strip is 8 feet or greater in width and includes a mountable curb, and if specific standards regarding the

use and maintenance of said landscape strips are followed long term so as to protect the health, safety, and general welfare of the citizens of Auburn.

WHEREAS, a review of the parking regulations indicates it necessary to amend those regulations to clarify definitions and regulatory provisions, including parking regulations on landscape strips.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

**Section 1. Amendment to City Code.** That section 10.36.020 of the Auburn City Code is amended to read as follows:

**10.36.020 Definitions.**

A. The definition of words and phrases contained in RCW 46.04.010 through 46.04.700, except 46.04.150 and 46.04.355, adopted by reference in Chapter 10.04 ACC, shall, for the purpose of this chapter, have the same meanings ascribed to the words and phrases therein.

B. The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, unless where used the context thereof clearly indicates to the contrary:

1. "Bicycle lane" means the portion of the travel way for the movement of bicycles.

2. "Commercial loading zone" means a designated portion of the street along the curb reserved for use in loading and unloading commodities, merchandise, produce, freight or animals by commercial vehicles only.

3. "Individual parking space" means a portion of the paved section of the street, of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked, as shall be specified and marked off by the street division of the city.

4. "Landscape Strip" means that portion of street lying between the constructed curb and edge of the right-of-way, exclusive of any sidewalk or pedestrian path.

4.5. "Median lane" means a speed change lane within the median to accommodate left turning vehicles.

6. "Mountable curb" is a curb designed so vehicles can cross them readily when the need arises. Mountable curbs are low with sloping faces and are typically combined with a gutter.

5.7. "Nonmetered parking zones" means portions of streets described and established by the city council as zones within which the parking of vehicles shall be controlled, regulated and inspected by the parking enforcement personnel of the city.

6.8. "Parking" means the standing of a vehicle upon a street, whether such vehicle is occupied or not and whether such vehicle is accompanied or not, by an operator, for a period of time in excess of two minutes.

8.9. "Passenger loading zone" means a designated portion of the street along the curb reserved for use in loading and unloading passengers by passenger vehicles only.

10. "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or recreational travel use that (a) has its own motive power, or (b) is mounted on, or (c) is towed by another vehicle, whether attached or unattached to a towing vehicle.

11. "Residential neighborhood" means an area where the majority of property in the vicinity is used for residential purposes and/or is zoned for residential uses in the city.

12. "Shoulder" means that portion of the roadway contiguous with the traveled way for accommodating stopped vehicles, for emergency use, and for lateral support of base and surface courses.

13. "Street" means and includes streets, avenues, ways, boulevards, drives, highways and all places, except private alleys, open to the public for the use of vehicles. Street also means unpaved areas within the right of way.

14. "Traffic Island" shall mean a curbed area in a roadway from which traffic is excluded.

15. "Traffic lane" means the portion of the traveled way for the movement of a single line of vehicles.

16. "Traveled way" means the portion of roadway for the movement of vehicles, exclusive of shoulder.

17. "Vertical or Barrier curb" shall mean a curb with a vertical or nearly vertical face intended to discourage vehicles from leaving the roadway.

(Ord. 6247 § 1, 2009; Ord. 6222 § 1, 2009; Ord. 6211 § 1, 2008; Ord. 5684 § 1, 2002; Ord. 5212 § 1 (Exh. F), 1999; 1957 code § 9.22.010.)

## **Section 2. Amendment to City Code.** That Section 10.36.270 of the Auburn

City Code is amended to read as follows:

### **10.36.270 Prohibited parking places.**

A. Except when necessary to avoid conflict with other traffic or to comply with other provisions of this code or with the direction of a police officer or traffic-control sign or signal, it is unlawful for the operator of a vehicle to stop, stand, park or angle park such vehicle in or on any of the following places:

1. Within an intersection area;
2. Within 20 feet of an uncontrolled intersection;

3. Within 30 feet of an intersection controlled by a stop sign, yield sign, or traffic-control signal;
4. On a crosswalk or within 20 feet of a crosswalk, whether marked or unmarked;
5. In front of or within 50 feet of the driveway entrance to any fire or police station or within any marked area contiguous to such driveway, when properly signed;
6. In front of or within a fire or emergency service access or an area signed for other safety access purposes;
7. In front of or within 15 feet of a fire hydrant;
8. Within any space marked as a fire lane;
9. In front of a public or private driveway, or within five feet of the end of the curb radius leading thereto;
10. On a sidewalk, pedestrian path, or landscape strip. However, parking shall be permitted on landscape strips subject to the maintenance requirements contained in Section 10.36.215 ACC, and where the landscape strip is 8 feet or greater in width between the curb and the sidewalk or the edge of right-of-way if there is no sidewalk, the adjacent curb is mountable, and the parked vehicle does not obstruct the use of the traveled way or sidewalk.
11. Alongside or opposite any street excavation or obstruction when such stopping, parking or angle parking would obstruct traffic;
12. In any alley, except that trucks or delivery vehicles may park or angle park in alleys for such time, not in excess of 30 minutes, as may be necessary for the expeditious loading or unloading of such vehicles or the delivery or pickup of articles or materials, unless otherwise restricted by this chapter;
13. Upon any bridge, overpass, underpass, trestle, or approaches thereto;
14. On that portion of any street contiguous to and opposite any outside court, corridor, passage, fire escape, exit or entrance door or any other place adjacent to, or any door opening in any outer wall of any building containing, in whole or in part, any theater, public auditorium, church, dance hall or other place of public assembly through which the public must pass to leave such building, while such building is being utilized for public gatherings; and it shall be incumbent upon and the duty of the owner or agent of the property used for the purpose herein specified to designate such prohibited areas by the placement of stanchions or signs or curb markings of the form and type satisfactory to the city engineer;
15. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
16. At any place where official traffic signs have been erected at the direction of the city engineer prohibiting parking and/or angle parking, either at all times or at such times as are indicated upon signage giving notice thereof;
17. Outside of the limits of the individual parking spaces (stalls) designated for vehicular on-street parking;

18. Within 30 feet of the nearest rail of a railroad crossing;
  19. At any place where all official signs prohibit stopping;
  20. Within traffic lanes that are less than 18 feet wide on arterial and collector roadways, as designated in the comprehensive transportation plan, except when authorized by sign;
  21. Within median lanes in the traveled way;
  22. Within roadway shoulders that are less than eight feet wide;
  23. Within marked bicycle lanes;
  24. Upon any street or public way for the principal purposes of displaying the vehicles for sale or for advertising services for vehicles; or
  25. Upon any street or public way for the purpose of doing any work on, maintaining or repairing any vehicle except for repairs necessitated by an emergency;
  26. Within any street side drainage ditch or drainage swale;
  27. Where prohibited by signage;
  28. Adjacent to a traffic island.
- B. No person shall move a vehicle not owned by him into any such prohibited area or away from a curb such distance as is unlawful.

C. If any person wishes a different parking restriction sign placement or a different time parameter for any parking restrictions under this section, said person may forward such request to the city engineer, the mayor, the city council public works committee, or the full city council; provided, that the opportunity to request such change does not create a right to such change, and the ultimate decision on such request shall be with the city engineer, then the mayor, then the city council public works committee, and then the full city council.

D. Violation – Penalty. Any person who violates this section has committed an infraction and, except for those subsections set forth in Table 270-1 below, shall pay a fine of \$30.00 within 15 days from the date of issuance of a notice of violation or of \$40.00 if paid after the fifteenth day from issuance of the notice.

Any person who violates any of the subsections listed in Table 270-1 shall pay a fine as set forth in that table.

Subsection	Table 270-1	
	If paid within 15 days	If paid after 15 <sup>th</sup> day
10.36.270(1)	\$40.00	\$50.00
10.36.270(2)	\$40.00	\$50.00
10.36.270(3)	\$40.00	\$50.00
10.36.270(7)	\$50.00	\$60.00
10.36.270(8)	\$50.00	\$60.00
10.36.270(10)	\$40.00	\$50.00
10.36.270(16)	\$50.00	\$60.00
10.36.270(17)	\$50.00	\$60.00

**Section 3. Amendment to City Code.** That a new section be added to the Auburn City Code to read as follows:

**10.36.215 Responsibility and duty to maintain, repair and construct landscape strips where parking is permitted.**

A. It shall be the responsibility and duty of the abutting property owner to maintain, repair and construct adjacent landscape strips in an attractive and safe manner when utilized for parking motorized vehicles as follows:

1. When any landscape strip permitted under Section 10.36.270(10) ACC is permitted to be utilized for parking the duty, burden, and expense of the maintenance and general upkeep of such landscape strip shall be the responsibility of the owner of the private property directly abutting the landscape strip.

2. The parking area associated with a landscape strip shall be free of conflicts with utilities, fire hydrants, and landscaping as determined by the City Engineer, and notwithstanding and in addition to any other provisions, no parking shall be permitted on any landscape strip within fifteen (15) feet of a fire hydrant, street tree or driveway cut.

3. A parked vehicle shall not obstruct the traveled way of the street, the sidewalk, or any other pedestrian pathways and be located in a way that does not impede sight distance for other vehicles or pedestrians from exiting or entering driveways or side streets.

4. The owner shall not allow any material to be tracked onto the City street, such as mud, gravel, or other debris.

5. For construction of any new landscape strips, or re-construction of existing landscape strips allowed for parking, the owner of the private property directly abutting the landscape strip shall utilize a surface material that allows stormwater to be absorbed, filtered, and cleaned before discharging to the groundwater. As determined by the City Engineer materials such as: brick, interlocking pavers, grassblock, turfblock, gravel, or porous concrete/asphalt/pavement are acceptable materials.

6. The provisions hereof may be enforced by the City's Police Department for parking violations or other criminal violations or traffic infractions, or by the City's Code Enforcement officers for compliance with maintenance and repair requirements, or either the Police and Code Enforcement departments, jointly or separately, where appropriate.

B. The above duties and responsibilities shall continue so long as the landscape strip is able to be used for parking in compliance with City standards; Provided that the property owner may request in writing of the City Engineer that the landscape strip abutting his or her property no longer be used for parking. The City Engineer shall evaluate any such request and determine what measures the property owner must take to restore the landscape strip to a functional landscape area to remove it from availability for parking. The City Engineer shall also be authorized to evaluate any other steps appropriate for such transition.

**Section 3. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**Section 4. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 5. Effective date.** This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

**CITY OF AUBURN**

ATTEST:

\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

\_\_\_\_\_  
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Heid, City Attorney

Published: \_\_\_\_\_